

# **Exhibit 04**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>LONTEX CORPORATION,</b>  <b>v.</b>  <b>NIKE, INC.</b>	<b>CIVIL ACTION</b>  <b>NO. 18-5623</b>
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**DECLARATION IN RESPONSE TO PLAINTIFF'S MOTION**

I, Vicki Humphreys, being duly licensed as a private detective in the Commonwealth of Pennsylvania, hereby declare and state the following:

1. I am the President of HML Group LLC with a principal address of 727 Shropshire Drive, West Chester, Pennsylvania, 19382.

2. On or about November 1, 2019, HML Group LLC was engaged by DLA Piper LLP for the purpose of locating and purchasing SWEAT IT OUT® branded products for sale on internet websites, taking note of whether those products displayed the words COOL COMPRESSION anywhere thereon and determining the original purchase date of the products when possible.

3. I assigned myself to this engagement and have personal knowledge of all the facts and information set forth in this declaration.

4. On various dates in November 2019, I located and purchased SWEAT IT OUT® products from internet websites including eBay, Poshmark, Amazon and ProStock Hockey and communicated with each seller regarding the original purchase date of the item(s) he or she posted for sale. The products purchased and those communications are more fully described below:

a. One black, size medium performance compression capri-length shorts, Order ID 5dbe02d88ecb5d6bda4ee53c, purchased from seller “@jwsules” through Poshmark on

November 2, 2019. Seller reported the product was likely purchased from Lontex Corporation within the last five years.

b. One black, size large compression tights, Item ID 312797889753, purchased from seller “jmh0089” through eBay on November 2, 2019. Seller explained he or she was not the original owner of the product having purchased it at a resale shop and thus could not provide any information about the original purchase.

c. One blue, size medium performance compression shorts, style 1900SL, Item ID 263896088659, purchased from seller “angela2585” through eBay on November 2, 2019. Seller advised her father was the original owner of the product and purchased it from Lontex Corporation prior to 2009.

d. One black, size large compression shorts, Order # 90926, purchased from ProStock Hockey on November 4, 2019. Shawn O’Connell from ProStock Hockey notified me that his company obtained the shorts from the Los Angeles Kings and estimated his company had them in stock for a couple of months.

e. Two black, size medium, three black, size large and one black, size extra large compression shorts, Item IDs 293306436301 and 303300730285, purchased from seller “authenticathleticapparel” through eBay on November 5, 2019. A representative from the seller named Cole informed me that the products his organization posts for sale are donated directly by collegiate and professional sports teams. He had no further information about when the teams first obtained the products.

f. One black, size medium, one black, size large, and one black, size 2XL compression shorts all previously worn by former Dallas Cowboys football players Morris Claiborne, Gavin Escobar and Ronald Leary, respectively, Order # 114-7795742-6120250,

purchased from seller, The Cowboy House Sports Memorabilia Store, through Amazon on November 6, 2019. Jennifer from seller advised me that all of the aforementioned products were purchased from the Dallas Cowboys Pro Shop Outlet about a year and a half ago.

5. In total, I purchased thirteen SWEAT IT OUT® branded products which were all shipped to HML Group LLC's principal office address. Upon receipt of each package, I visually inspected the products contained therein and noted the following:

a. All thirteen of the products I purchased contained one or more labels identifying it as a SWEAT IT OUT® branded product. See Exhibit A, pages 1-3.

b. No reference to a COOL COMPRESSION® trademark appeared anywhere on any of the products I purchased including on the manufacturer sewn-in tag or inside waist band.

c. Seven of the thirteen products reflected a Registered Identification Number (hereinafter RN number) of "RN 35612" on the manufacturer sewn-in tag. I purchased five of those products from seller "authenticathleticapparel," one from seller "@jwsules" and one from seller "jmh0089." See Exhibit B, page 4.

d. One of the products I purchased from seller "authenticathleticapparel" identified by seller as item "BM-229" reflected a partial RN number of "612" which were the last three digits on the manufacturer sewn-in tag. See Exhibit C, page 5.

e. One of the thirteen products reflected a partial RN number of "RN 16 34" on the manufacturer sewn-in tag. I purchased this product from seller "angela2585." See Exhibit D page 6.

f. One of the thirteen products reflected a RN number of "RN 16334" on the manufacturer sewn-in tag. I purchased this product from ProStock Hockey. See Exhibit E, page 7.

g. The RN number is obliterated on the manufacturer sewn-in tag for three of the thirteen products. I purchased all three of these products from seller "The Cowboy House Sports Memorabilia Store." See Exhibit F page 8.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 24, 2019.

  
Vicki Humphreys

**EXHIBIT A**



**EXHIBIT A**



**EXHIBIT A**





**EXHIBIT B**



**EXHIBIT C**



**EXHIBIT D**



**EXHIBIT E**



**EXHIBIT F**

